

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S10954WO01	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2004/013987	International filing date (<i>day/month/year</i>) 16 September 2004 (16.09.2004)	Priority date (<i>day/month/year</i>) 17 September 2003 (17.09.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SUMITOMO CHEMICAL COMPANY, LIMITED		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 80%;">Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 26 June 2006 (26.06.2006)</p> <p>Authorized officer <div style="text-align: center; font-weight: bold;">Masashi Honda</div></p> <p>e-mail: pt08@wipo.int</p>
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

S10954WO01

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/013987

International filing date (day/month/year)

16.09.2004

Priority date (day/month/year)

17.09.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

SUMITOMO CHEMICAL COMPANY, LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☒ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☒ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☒ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 50, 52, 54, 55, 57, 59, 60, 62, 64, 66, 68, 70, 72

because:

☒ the said international application, or the said claims Nos. 50, 52, 54, 55, 57, 59, 60, 62, 64, 66, 68, 70, 72

relate to the following subject matter which does not require an international preliminary examination (*specify*):

Claims 50, 52, 54, 55, 57, 59, 60, 62, 64, 66, 68, 70, and 72 pertain to methods for treatment of the human body by therapy and relate to a subject matter for which an international preliminary search is not required.

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 50, 52, 54, 55, 57, 59, 60, 62, 64, 66, 68, 70, 72

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:
- 1) Claims 1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, and 73 relate to a compound having a 3-(1-oxo-2-propenyl)-2H-pyran-2-one skeleton, a process for manufacturing same, and a medicinal use of the compound.
 - 2) The part of claim 26 which relates to the formula (XXVI-1) and claims 28, 33-37, and 43-45 relate to a benzaldehyde derivative having a specific substituent in any of the 2-, 3-, and 4-positions.
 - 3) The part of claim 26 which relates to the formula (XXVI-2) and claims 27 and 29 relate to a benzaldehyde derivative having a specific substituent in either of the 2- and 3-positions and having no substituent in the 4-position.
 - 4) The part of claim 26 which relates to the formula (XXVI-3) and claims 31, 32, and 38 relate to a benzaldehyde derivative having a specific substituent in either of the 3- and 4-positions and having no substituent in the 1- and 6-positions.
 - 5) The part of claim 26 which relates to the formula (XXVI-4) and claims 30, 39, and 40 relate to a benzaldehyde derivative having a specific substituent in the 3-position.
 - 6) Claims 26 and 42 relate to 6-formyl-2-[(2-methoxyethyl)aminocarbonyl]pyridine.
 - 7) Claim 41 relates to a specific benzaldehyde derivative represented by the formula (XLI).
- These seven groups of inventions are not considered to be a group of inventions so linked as to form a single general concept.
4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts
 - ☒ the parts relating to claims Nos. 1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, 73

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, 73	YES
	Claims		NO
Inventive step (IS)	Claims	1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, 73	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, 73	YES
	Claims		NO

2. Citations and explanations:

Document 1. WO 97/35565 A1
Document 2. WO 01/28493 A2
Document 3. JP 41-1412 B
Document 4. DE 2728243 A

Since claims 1-25, 46-49, 51, 53, 56, 58, 61, 63, 65, 67, 69, 71, and 73 are neither described nor suggested in any of the documents cited in the ISR, they appear to be novel and to involve an inventive step. In particular, a compound wherein a structure for bonding to a ring A such as X_a , X_{A0} , or X_A is the structure described in the present application is neither described nor suggested in any of the documents.

WRITTEN OPINION OF THE
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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 has a description such as "carbon atom substituent not belonging to an X₀ group, a Y₀ group, or a Z₀ group" as X_a, but even after examining the specification, it is unclear to what extent of the structures this includes; therefore, it makes the scope of the compound in the present invention ambiguous.